

STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS  
DIVISION OF WATER RESOURCES

STATE ENGINEER

ORDER

APPLICATION 5295

PERMIT 2762

LICENSE 1945

ORDER ALLOWING CORRECTION OF DESCRIPTION OF POINTS OF  
DIVERSION AND CHANGE IN PLACE OF USE

Licensee having established to the satisfaction of the State Engineer that the correction of description of points of diversion and change in place of use under Application 5295, Permit 2762, License 1945, for which petition was submitted on July 26, 1948, will not operate to the injury of any other legal user of water, the State Engineer so finds, and

IT IS ORDERED that permission be and the same is hereby granted to change the description of points of diversion under said Application 5295, Permit 2762, License 1945, to read as follows to-wit:

FROM THE E $\frac{1}{2}$  CORNER OF SECTION 20, T 2 N, R 3 W, S.B.B. & M.,  
SPRING NO. 1 BEARS NORTH SIXTY-FIVE DEGREES WEST (N65° W)  
FOURTEEN HUNDRED TEN (1410) FEET, BEING WITHIN THE SE $\frac{1}{4}$  OF  
NE $\frac{1}{4}$  OF SAID SECTION 20;  
SPRING NO. 2 BEARS NORTH SEVENTY-SEVEN DEGREES TWENTY MINUTES  
WEST (N77° 20' W) NINETEEN HUNDRED FIVE (1905) FEET, BEING WITHIN  
THE SW $\frac{1}{4}$  OF NE $\frac{1}{4}$  OF SAID SECTION 20; and

IT IS FURTHER ORDERED that permission be and the same is hereby granted to change the place of use under said Application 5295, Permit 2762, License 1945 to a place of use described as follows, to-wit:

LOTS 36 TO 40 INCLUSIVE, 43 TO 50 INCLUSIVE, 86 AND 101 OF  
LITTLE BEAR TRACT OF SAN BERNARDINO NATIONAL FOREST, BEING  
WITHIN THE NW $\frac{1}{4}$  OF SE $\frac{1}{4}$ , SW $\frac{1}{4}$  OF NE $\frac{1}{4}$  AND SE $\frac{1}{4}$  OF NE $\frac{1}{4}$  OF SECTION 20,  
T 2 N, R 3 W, S.B.B. & M.

WITNESS my hand and the seal of the Department of Public Works of the  
State of California this 31st day of August, 1948.

  
Edward Hyatt, State Engineer





STATE OF CALIFORNIA  
DEPARTMENT OF PUBLIC WORKS  
DIVISION OF WATER RESOURCES

License for Diversion and Use of Water

LICENSE 1945

PERMIT 2762

APPLICATION 5295

THIS IS TO CERTIFY, That U. S. San Bernardino National Forest  
San Bernardino, California, (over)

has made proof to the satisfaction of the Division  
of Water Resources of California of a right to the use of the waters of two unnamed springs, Nos. 1 and  
2, in San Bernardino County

tributary of Little Bear Creek

for the purpose of domestic use

under Permit 2762 of the Division of Water Resources and that said right to the use of said waters has  
been perfected in accordance with the laws of California, the rules and regulations of the Division of Water Resources  
and the terms of the said permit; that the priority of the right herein confirmed dates from

December 4, 1926;

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited  
to the amount actually beneficially used for said purposes and shall not exceed nine hundred (900) gallons  
per day from Spring No. 1 and sixteen hundred (1600) gallons per day from Spring  
No. 2, total twenty five hundred (2500) gallons per day, from January 1st to  
December 31st of each season.

The points of diversion of such water are located from a point approximately North  
sixty seven degrees West ( N. 67° W ) one thousand seventy five (1075) feet from  
the East one quarter corner of Section 20, T. 2 N., R. 3 W., S.B.B. & M. Spring  
No. 1 bears approximately north sixty four degrees West ( N. 64° W. ) two hundred  
forty four (244) feet, being within SE $\frac{1}{4}$  of NE $\frac{1}{4}$  of said Section 20, and Spring  
No. 2 bears South eighty eight degrees West ( S. 88° W ) seven hundred ninety  
three (793) feet, being within SW $\frac{1}{4}$  of NE $\frac{1}{4}$  of said Section 20.

Amended by order of 8-31-48

A description of the lands or the place where such water is put to beneficial use is as follows:

Lots 37 to 40, both inclusive; 43 to 45, both inclusive; 47 to 50, both  
inclusive, 85, 86 and 101 of Little Bear Tract of San Bernardino National  
Forest within S $\frac{1}{2}$  of NE $\frac{1}{4}$  and NW $\frac{1}{4}$  of SE $\frac{1}{4}$  of Section 20, T. 2 N., R. 3 W., S.B.B. & M.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from  
time to time by the Division of Water Resources.

The right to the diversion and use of the water aforesaid hereby confirmed is restricted to the point of  
diversion herein specified and to the lands or place of use herein described.

*This license is granted and said appropriator takes all rights herein mentioned subject to the terms and conditions set forth in Section 20 of Chapter 586, Statutes of 1913, as amended, which is as follows:*

Sec. 20. All permits and licenses for the appropriation of water shall be under the terms and conditions of this act, and shall be effective for such time as the water actually appropriated under such permits and licenses shall actually be used for the useful and beneficial purpose for which said water was appropriated, but no longer; and every such permit or license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this section and likewise the statement that any appropriator of water, to whom said permit or license may be issued, shall take the same subject to such conditions as therein expressed; *provided*, that at any time after the expiration of twenty years after the granting of a license, the state or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the state shall have the right to purchase the works and property occupied and used under said license and the works built or constructed for the enjoyment of the rights granted under said license; and in the event that the said state, city, city and county, municipal water district, irrigation district, lighting district or political subdivision of the state so desiring to purchase and the said owner of said works and property can not agree upon said purchase price, said price shall be determined in such manner as is now or may hereafter be determined in eminent domain proceedings. If it shall appear to the state water commission at any time after a permit or license is issued as in this act provided that the permittee, or licensee, or the heirs, successors, or assigns, of said permittee or licensee, has not put the water granted under said permit or license to the useful or beneficial purpose for which the permit or license was granted, or that the permittee or licensee, or the heirs, successors, or assigns of said permittee or licensee, has failed to observe any of the terms and conditions in the permit or license as issued, then and in that case the said commission, after due notice to the permittee, licensee, or the heirs, successors or assigns of such permittee or licensee, and a hearing thereon, may revoke said permit or license and declare the water to be unappropriated and open to further appropriation in accordance with the terms of this act. The findings and declaration of said commission shall be deemed to be prima facie correct until modified or set aside by a court of competent jurisdiction; *provided*, that any action brought so to modify or set aside such finding or declaration must be commenced within thirty days after the service of notice of said revocation on said permittee or licensee, his heirs, successors or assigns. And every licensee or permittee under the provisions of this act if he accepts such permit or license shall accept the same under the conditions precedent that no value whatsoever in excess of the actual amount paid to the state therefor shall at any time be assigned to or claimed for any permit or license granted or issued under the provisions of this act, or for any rights granted or acquired under the provisions of this act, in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or licensee, his heirs, successors or assigns or by the holder of any rights granted or acquired under the provisions of this act, or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the state or any city, city and county, municipal water district, irrigation district, lighting district or any political subdivision of the state, of the rights and property of any permittee or licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this act. The application for a permit by municipalities for the use of water for said municipalities or the inhabitants thereof for domestic purposes shall be considered first in right, irrespective of whether they are first in time; *provided, however*, that such application for a permit or the granting thereafter of permission to any municipality to appropriate waters, shall not authorize the appropriation of any water for other than municipal purposes; and *providing, further*, that where permission to appropriate is granted by the state water commission to any municipality for any quantity of water in excess of the existing municipal needs thereof, pending the application of the entire appropriation permitted, the state water commission shall have the power to issue permits for the temporary appropriation of the excess of such permitted appropriation over and above the quantity being applied from time to time by such municipality; and *providing, further*, that in lieu of the granting of such temporary permits for appropriation, the state water commission may authorize such municipality to become as to such surplus a public utility, subject to the jurisdiction and control of the railroad commission of the State of California for such period or periods from and after the date of the issuance of such permission to appropriate, as may be allowed for the application to municipal uses of the entire appropriation permitted; and *providing, further*, that when such municipality shall desire to use the additional water granted in its said application it may do so upon making just compensation for the facilities for taking, conveying and storing such additional water rendered valueless for said purposes, to the person, firm or corporation which constructed said facilities for the temporary use of said excess waters; and which compensation, if not agreed upon between the municipality and said person, firm or corporation, may be determined in the manner provided by law for determining the value of property taken by and through eminent domain proceedings.

Witness my hand and the seal of the Department of Public Works of the State of California, this 19th day of May, 1939.

EDWARD HYATT  
State Engineer

By Harold Conkeling  
Deputy

6-29-78 Asgd to San Bernardino Upper Little Bear Mountain Club



LICENSE 1945

STATE OF CALIFORNIA  
DEPARTMENT OF PUBLIC WORKS

DIVISION OF WATER RESOURCES

LICENSE  
TO APPROPRIATE WATER

ISSUED TO U. S. San Bernardino National Forest  
DATED May 19, 1939